

ENTERED

May 17, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CORY SIERRA,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 2:15-CV-459
	§
TRENTIN D FARRELL, <i>et al</i> ,	§
	§
Defendants.	§

ORDER

This civil rights action was filed by Cory Sierra, a Texas state prisoner pursuant to 42 U.S.C. § 1983. On December 30, 2016, Plaintiff's claims against his criminal defense lawyers, the district attorney, and the state district trial judge in his state criminal case were dismissed on screening for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). (D.E. 28).

Pending is Plaintiff's motion for a certificate of appealability. (D.E. 29). A certificate of appealability is not required in a civil rights cause of action filed pursuant to 42 U.S.C. § 1983. A certificate of appealability is an order applicable in a habeas proceeding brought pursuant to 28 U.S.C. § 2254. *See* Rule 11, Rules Governing Section 2254 Cases; *See e.g. Hagopian v. Smith*, 2006 WL 3690905 at *1 (E.D. Mich. Dec. 12, 2006) (“A certificate of appealability is not required to appeal from an order denying relief in a § 1983 action”).

Therefore, Plaintiff's motion for a certificate of appealability is **DENIED as moot.**

ORDERED this 17th day of May, 2017.

Jason B. Libby
Jason B. Libby
United States Magistrate Judge